

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: September 3, 2009

JUDGE
LEONARD DAVIS

COURT REPORTER
Shea Sloan

Law Clerks: Kat Li

Technical Advisor: Rich Egan

<p>CHEETAH OMNI</p> <p>vs.</p> <p>SAMSUNG ELECTRONICS, et al</p>	<p>CIVIL ACTION NO: 6:08-CV-279</p> <p>MARKMAN HEARING and MOTION HEARING (Dkt #</p>
---	--

ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
<p>Thomas Lewry (Brooks Kushman) John Le Roy (Brooks) Johnny Ward (Ward & Smith)</p>	<p>Mike Jones (Potter Minton) Allen Gardner (Potter) Brian Bieluch (Covington & Burling) Gary Rubman (Covington) Jeffrey Davidson (Covington) Richard Rainey (Covington)</p> <p style="color: red;"><i>For Samsung</i></p> <p>Trey Yarbrough (Yarbrough - Wilcox) Nicole Smith (Morrison Foerster) Vincent Belusko (Morrison) Wendy Ray (Morrison)</p> <p style="color: red;"><i>For Mitsubishi</i></p>

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:05 AM

ADJOURN: 12:00 pm

9:05 am	Mr. Ward, Mr. Le Roy and Mr. Lewry announced ready for the plaintiff.
	Mr. Belusko, Ms. Ray Mr. Yarbrough for announced ready for defendant Mitsubishi. Mr. Rainey, Mr. Davidson, Mr. Jones & Mr. Gardner announced ready for defendant Samsung.
	Court addressed the parties on the Markman hearing and asked for a brief opening statement.
	Mr. Lewry presented opening statements to the Court. Parties have agreed to the order and then the '862 patent and the '714 patent. Court inquired as to the pending motions. Mr. Lewry responded and there are two motions by each defendant on indefiniteness and then a separate motion by Samsung. Mr. Lewry presented an overview of the patents.

DAVID J. MALAND, CLERK

FILED: 9.3.2009

BY: Rosa L. Ferguson , Courtroom Deputy

	Mr. Rainey presented an opening statement on behalf of Samsung. Court inquired if both parties were in agreement that “optical signal” in both patents should have the same meaning. Mr. Rainey stated yes, as did Mr. Lewry.
	Mr. Belusko presented opening statement on the ‘714 patent.
	Mr. Lewry responded as to the display technology coming first.
	Mr. Lewry presented term “optical signal” on the ‘862 and ‘714 patents.
	Mr. Belusko responded and presented their proposed definition of “optical signal.”
	Mr. Lewry responded. Mr. Lewry presented term “output interface” as to both patents.
	Mr. Belusko responded and presented defendants’ proposed definition of “output interface.”
	Mr. Lewry responded.
10:10 am	Court will be in recess until 10:20 am
10:20 am	Hearing resumed.
	Mr. Lewry will move forward with terms in the ‘862 patents. Mr. Lewry presented term “separating.”
	Mr. Rainey responded and presented term “plurality of wavelengths” and it is similar to the “separating” steps. Mr. Lewry responded.
	Mr. Lewry presented term “dividing.”
	Mr. Rainey responded as to claim differentiation, and presented defendants’ position on “dividing.” Mr. Lewry responded. Mr. Rainey responded. Mr. Lewry responded as to the “unadulterated” phrase the defendant proposes. Mr. Rainey responded and presented argument on the separating/dividing/receiving steps. Mr. Lewry responded. Mr. Rainey responded. Mr. Lewry further responded as to the wavelengths. Mr. Rainey further responded as to the “first portion.” Mr. Belusko responded on separated / received.
	Mr. Lewry presented the “Mems output signal.”(tab 6)
	Mr. Rainey responded and there are two claim terms within this step. Mr. Rainey addressed the Court on amplitude. Mr. Lewry responded.
	Mr. Lewry presented term “moveable mirror.”
	Mr. Belusko responded and presented defendants’ position on “moveable mirror.”
	Mr. Lewry responded.
	Mr. Lewry moved on to the ‘714 patent. Court addressed the parties on the ‘862 patent and the MSJ for indefiniteness and inquired whether there is a claim construction issue. Mr. Lewry responded. Mr. Belusko responded.
	Mr. Lewry presented term “first signal part” and “second signal part.”
	Mr. Rainey responded and presented defendants’ position on the part terms.
	Mr. Lewry presented term “light pipe.” Court inquired as to a “waveguide.” Mr. Lewry responded.

	Mr. Rainey responded and addressed the waveguide issue. Court proposed definition of light pipe. Mr. Lewry agrees. Mr. Rainey does not agree.
	Mr. Lewry presented term “array of optical signal processing devices.”
	Mr. Rainey responded. Court inquired what glazed gratings meant. Mr. Rainey gave the Court the definition. Mr. Rainey continued his response on the “array” term. Mr. Lewry responded.
	Mr. Lewry presented term “rotation to reflect.”
	Mr. Belusko responded and presented defendants’ position on claim 18 - the reflection limitation.
	Court inquired as to the terms.
	Mr. Belusko presented Motion for Summary Judgment of Indefiniteness.
	Mr. Lewry responded. Mr. Belusko responded.
	Court addressed the parties that will get a ruling as soon as possible.
	Court encouraged parties to mediate.
12:00 pm	There being nothing further, Court adjourned.